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P56038

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

RECORD OF DECISION

Willits Bypass
Mendocino County

This Record of Decision (ROD) was developed pursuant to 40 CFR 1505.2 and 23 CFR 771.127. The California Department of Transportation (Caltrans), in cooperation with the Federal Highway Administration (FHWA), has identified the need to reduce delays, improve safety, and achieve a minimum level of service (LOS) "C" for interregional traffic on U.S. Highway 101 in the vicinity of the City of Willits, Mendocino County, California.

The project's purpose and need are described in Chapter 2 of the Willits Bypass *Final Environmental Impact Statement* (FEIS), approved by FHWA on October 25, 2006. The FEIS is incorporated into the ROD by reference. The Notice of Availability for the FEIS was published in the *Federal Register* on November 9, 2006.

A. Decision

This ROD approves the preferred alternative identified in the Willits Bypass FEIS. After reviewing public comments, as well as coordinating with the regulatory agencies and local stakeholders, including the City of Willits in Mendocino County, California, it was determined that the **Modified Alternative J1T** is the Least Environmentally Damaging Practicable Alternative (LEDPA). The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency have concurred in this determination. The Modified Alternative J1T has, therefore, been identified as the selected alternative. This decision is based upon information in the Draft and Final EIS, as well as comments from other Federal and state agencies, elected officials, and members of the public. Following approval of this ROD, the project will be advanced to final design, right-of-way acquisition, and construction.

All practicable measures to avoid or minimize harm to the environment have been employed in the design of this project and are described in Section D of this document.

The Department could design and construct all or part of the proposed project depending on funding availability. In an effort to balance potential funding limitations and the need for the project, the Willits Bypass could be constructed in phases, whereby a functional interim facility would be constructed initially, and completion of the full facility would occur at a later date when additional funding is available.

B. Alternatives Considered

Based on input from the community and the resource agencies, as well as on engineering and environmental analyses, the **Modified Alternative J1T** has been identified as the Preferred Alternative for the proposed Willits Bypass project. In accordance with Section 404(b)(1) of the Clean Water Act, a Final Alternatives Analysis, which compares the alternatives considered in the DEIS/EIR, was completed in April 2005 (see FEIS, Appendix G). As a result of the Final Alternatives Analysis, the Modified Alternative J1T, which shares design elements with Alternatives LT and J1T, was identified as the LEDPA for the proposed project. Modified Alternative J1T was determined to be the LEDPA/Preferred Alternative because it would have the least overall impact to both natural and community resources, while still meeting the purpose and need for the project. The factual determinations in the Final Alternatives Analysis demonstrate the following:

Alternative E3, which would affect approximately 15 acres of wetlands and other waters, should be eliminated from consideration as the LEDPA for the following reasons: (a) it has the greatest potential to degrade water quality because of highly erosive soils and numerous of stream crossings, as well as the extensive earthwork required, and therefore; (b) it has the greatest potential to affect local populations of three federally listed salmonid species; (c) it would have the largest direct impact to foraging habitat for northern spotted owl because of the removal of approximately 300 acres of coniferous forest; (d) it would displace the largest number of homes and businesses (133); (e) it has the potential to affect the largest number of archaeological sites (18); (f) it would convert a large amount of Williamson Act Contract farmland (59.3 ha/146.6 ac); and (g) it would impact larger areas of upland/foothill habitats, including oak woodland which is more difficult to replace, than the other alternatives.

Alternatives C1T and L/C (the south segment of Alternative LT plus the north segment of Alternative C1T) should be eliminated from consideration as the LEDPA because of substantial impacts to wetlands and other waters of the U.S. and to federally-listed fish species. The impacts associated with Alternatives C1T and L/C include the greatest direct impact to jurisdictional wetlands and other waters of the U.S. when compared to the other build alternatives: 52.7 ha (130.2 ac) for Alternative C1T, and 48.5 ha (119.9 ac) for Alternative L/C. Both alternatives would require realignment of approximately one mile of salmon-bearing creek, which is critical habitat for three federally-listed fish species.

Alternative LT should be eliminated from consideration as the LEDPA because it would directly impact approximately 29.9 ha (73.8 ac) of jurisdictional wetlands and other waters of the U.S. Alternative LT would also result in fragmentation of the largest stand of valley oak riparian woodland in the valley.

Alternative J1T does not meet LEDPA criteria because, while it has impacts to wetlands and other waters of the U.S. comparable to those of Modified Alternative J1T, it creates

unacceptable impacts to the local and regional park/recreation complex ("human use characteristics" under Section 404(b)(1) Subpart F of the Clean Water Act) and the Sanhedrin industrial park. In addition impacts to the industrial park would result in the loss of businesses that would not or could not relocate in Willits. Thus, even though wetlands impacts would be comparable impacts to those of Modified Alternative J1T, Alternative J1T is the more environmentally damaging of the two alternatives.

Modified Alternative J1T meets LEDPA criteria because it would result in the least overall environmental harm. The Draft Alternatives Analysis had identified Alternatives J1T and LT as potential candidates for the LEDPA; however, it became necessary to develop a modified alignment that incorporated portions of these two alternatives in order to avoid important community and biological resources. The Modified Alternative J1T would have comparable wetlands impacts to those of Alternative J1T, but it avoids the important community resources that Alternative J1T would have otherwise impacted. Modified Alternative J1T has fewer impacts to wetlands than Alternative LT and avoids a large stand of valley oak riparian woodland that would have been impacted and fragmented by Alternative LT.

No-Build Alternative is not a practicable alternative because it does not meet the purpose and need of the project.

The U. S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (USEPA) have issued letters of concurrence that Modified Alternative J1T is the LEDPA (see FEIS, Appendix C). Both the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) have issued Biological Opinions (BOs), which state that construction of the Preferred Alternative is not likely to jeopardize the continued existence of federally listed species (see FEIS, Appendix D).

C. Section 4(f)

The Modified Alternative J1T avoids impacts to Section 4(f) properties; therefore, no formal Section 4(f) evaluation is required for this project.

D. Measures To Minimize Harm

All practicable measures to avoid or minimize environmental harm have been incorporated into the decision and are described as follows.

Air Quality

The bypass project would not generate any additional long-term carbon monoxide (CO) emissions to local air quality. Activities during construction would produce combustion emissions from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, and vehicles transporting the construction crew. The use of construction equipment on site would result in localized exhaust emissions. The Department's standard specifications for

construction would be adhered to in order to reduce construction related emissions. Dust emissions during construction, could also have a substantial temporary impact on local air quality. Dust emissions would result from earthmoving (dust generation) and heavy equipment use. Such dust emissions could be generated from land clearing, ground excavation, cut and fill operations, and the construction of the roadway itself. Dust emissions would vary substantially from day to day depending on the level of activity, the specific operations, and the prevailing weather. A major portion of these emissions probably would result from equipment traffic over temporary construction roads. The following measures, which are standard best management practices and comply with Rule 430 (Mendocino Air Quality Management District), will minimize construction-related air quality impacts due to dust emissions. Naturally Occurring Asbestos (NOA) is not known to occur in the vicinity of Oil Well Hill; however, measures are in place in the event NOA is encountered during construction. The following measures will avoid or minimize impacts to air quality:

- The contractor will apply water and/or chemical dust suppression on dirt haul roads and surfaces over which equipment will travel.

- The contractor will cover and/or water exposed dirt storage piles to inhibit wind erosion.

- The contractor will stagger the time and location of fugitive dust-generating activities.

- Caltrans Standard Special Provisions for the identification and handling of soils containing NOA will be included in the construction contract documents.

- The contractor will ensure that grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

- The contractor will utilize electric powered equipment in lieu of gasoline-powered engines where feasible.

- The contractor will ensure that grading plans include a statement that work crews will shut off equipment when not in use.

- The contractor will time the construction activities so as not to interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site. If necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.

- The contractor will support and encourage ridesharing and transit incentives for the construction crew.

Cultural Resources

Two historic properties were identified within the Area of Potential Effects (APE) established for the Modified Alternative J1T alignment (one archaeological site and one built environment property). The cultural resource investigation conducted for the project concluded that the two cultural resources could be avoided and would not be adversely affected by the project. An Environmentally Sensitive Area (ESA) Action Plan has been developed, as part of the SHPO-approved cultural resource compliance documents, to further ensure the avoidance and protection of cultural resources during the construction phase of the project. The following measures will avoid or minimize potential impacts to cultural resources.

- It is Caltrans' standard policy to avoid cultural resources whenever possible. If buried cultural materials are encountered during construction, it is Caltrans' policy that all work in that area must halt until a qualified archaeologist can evaluate the nature and significance of the find (Caltrans Environmental Handbook, Volume 2, Chapter 1).

- If human remains are unearthed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur, in the immediate vicinity of the discovery, and the county Coroner shall be notified so that a determination can be made as to origin of the remains. If the Coroner determines that the remains are associated with a Native American archaeological site, the provisions of California Public Resources Code 5097.98 shall be followed to notify the Native American Heritage Commission and to identify the Most Likely Descendent from the local Native American community.

- The ESA Action Plan, which is included as part of the Historic Property Survey Report, has been developed to ensure the avoidance and protection of historic properties during project construction. The ESA Action Plan details the protective measures to be employed at various stages of the project (before, during, and after construction) and identifies the parties responsible for the implementation of such measures, which include the placement of protective fencing and monitoring by a qualified archaeologist. The ESA Action Plan will be included in the Resident Engineer pending file.

Biological Resources

Modified Alternative J1T, as well as the designated borrow site at Oil Well Hill, would result in direct impacts to the following biological resources: Sensitive plant communities and habitats, including wetlands and other waters of the U.S., oak woodland, and riparian woodlands; Three listed salmonid species; One listed plant species (Baker’s meadowfoam); One listed wildlife species (Northern spotted owl); and Seven non-listed plant and wildlife species (white-tailed kite, Cooper’s hawk, yellow-breasted chat, California yellow warbler, foothill yellow-legged frog, northwestern pond turtle, and red tree vole). The following measures will avoid, minimize, or compensate for impacts to biological resources resulting from construction of the Willits Bypass, Modified Alternative J1T, project:

- The project will comply with the terms and conditions provided by the USFWS and NMFS, in their BOs. Caltrans will also comply with conditions of the permits issued by all of the resources agencies, and will implement mitigation and monitoring measures provided in the Conceptual Mitigation Plan (CMP; see FEIS, Appendix L). The CMP includes measures that would compensate for impacts to wetlands and other waters; riparian woodlands, oak woodlands, listed salmonids; northern spotted owl and Pacific fisher; Baker's meadowfoam and non-listed special-status species.

- Compensatory mitigation would include the creation, restoration, enhancement, and/or preservation of sensitive habitats affected by the project. Conceptual mitigation ratios are provided in the CMP for the Modified Alternative J1T alignment. These ratios were developed through consultation with the USACE, USFWS, NMFS, USEPA, the California Department of Fish & Game (CDFG), and the Regional Water Quality Control Board (RWQCB). A number of mitigation sites have been considered and evaluated for their potential for the creation, restoration, enhancement and/or preservation values. A Final Mitigation and Monitoring Plan will be developed and adopted after approval and distribution of the Final Environmental Impact Report/Environmental Impact Statement.

- During the final design phase of the Modified Alternative J1T project, Caltrans biologists, Caltrans design engineers, and resource agency staff will work together on additional design solutions that will avoid or minimize impacts to sensitive biological resources.

- ESAs will be established and delineated on project plans and specifications to protect sensitive biological resources adjacent to the construction corridor by prohibiting construction activities in those areas.

- Caltrans/FHWA will develop and implement an environmental awareness and training program that informs the contractor and construction workers of the environmental regulations with which Caltrans is committed to comply and measures established for the project to minimize and avoid sensitive habitats and species.

- Qualified biologists will monitor construction activities in sensitive biological resource areas to ensure adherence to permit conditions and mitigation requirements.

- Working in live stream channels to the extent feasible will be avoided. Construction associated with stream crossings (bridges, viaduct, and culvert) would conform to the work window of June 15 though October 15 of each year for work associated with bridge, viaduct, and culvert construction over salmonid bearing streams.

- Oak woodland occurring in the project corridor consists of valley oak woodland, Oregon white oak woodland, and black oak woodland. Minimization efforts during construction would consist of the removal of only the minimum number of trees necessary to allow for efficient project construction. ESA fencing would be installed around oak woodlands adjacent to the work areas. Any encroachment beyond the ESA fencing during construction (including driving, material or equipment storage and vehicle parking) would be prohibited. The ESA fencing would be accurately depicted on the final contract drawings. Compensation for the permanent loss of oak woodland would consist of in-kind creation/restoration, enhancement, and preservation of oak woodlands on newly acquired parcels. These parcels would be purchased in fee or by a conservation easement and be preserved in perpetuity. On sites where creation/restoration or enhancement is to occur, oak trees would be initially planted in these areas at the ratio of five new saplings for each oak lost with the goal of three of them surviving after a ten-year monitoring period. Other compensation options may include: 1) a monetary contribution to the California Oak Woodlands Conservation Fund, administered by the State Wildlife Conservation Board for the purpose of purchasing oak woodland conservation easements, or; 2), if there is an established CDFG oak woodland mitigation bank, the mitigation bank could be used to fulfill the off-site compensation requirements (refer to Conceptual Mitigation Plan; Appendix L of FEIS).

- Riparian woodlands within the project corridor are divided into three categories for management purposes (CMP; see FEIS, Appendix L). Category I riparian woodlands are associated with salmonid bearing streams, and Categories II and III riparian woodlands are other riparian woodlands that are not associated with salmonid streams. Minimization measures that would occur during construction would include: (1) removing the minimum amount of vegetation necessary; (2) installing ESA fencing, and enforcing protection of riparian vegetation located within established protected areas; (3) implementation of appropriate BMPs; and (4) pre-construction training sessions to inform contractors and construction workers of the status of sensitive habitats and special-status species and the requirements for avoidance of protected areas. Mitigation for all affected riparian woodlands would be implemented through creation/restoration, enhancement, and preservation within Little Lake Valley. Local native plant species would be used for the revegetation of impacted riparian zones along salmonid streams within the project limits, as well as off-site mitigation areas. Mitigation would be in-kind, and plant propagules would be collected in Little Lake Valley. Riparian trees would be replanted initially, and associated shrubs, herbaceous plants, and annuals would be seeded or planted along with the riparian trees. Planting methods would include the installation of stem (pole) cuttings from plants such as willows, cottonwood, thimbleberry, coyote bush, or other species capable of easy rooting from cuttings. Pole cuttings would also be used to revegetate areas where Rock Slope Protection (RSP) is required on the stream banks. In mitigation areas where some riparian vegetation is already present, additional vegetation would be

planted. Revegetation of unvegetated stream banks would be considered creation. Removal of invasive exotic vegetation and planting of additional vegetation on sparsely vegetated streambanks would be considered enhancement.

- Modified Alternative J1T would temporarily and permanently affect two populations of Baker's meadowfoam, one in the central portion of the project (in the area of the Colli Ranch) and one in the northern portion of the project, in the vicinity of the Quail Meadows Interchange. The project would avoid most of the central population of Baker's meadowfoam, but would impact the majority of the northern population. Impacts to Baker's meadowfoam plants would be mitigated by off-site preservation of existing populations and habitat, as well as by creation/enhancement of new habitat for populations occurring on upland sites and on wetland sites (refer to CMP, FEIS, Appendix L). Portions of temporarily impacted Baker's meadowfoam habitat could be restored where feasible. Baker's meadowfoam habitats occurring within jurisdictional wetlands would be mitigated by a combination of creation/restoration at the same ratios as jurisdictional wetlands, and preservation. Baker's meadowfoam creation/restoration parameters would be based on specific hydrologic and soil conditions specified and described for the species in a formerly prepared study titled "Hydrologic and Soil-Geomorphic Conditions Associated with Baker's Meadowfoam in Little Lake Valley, Mendocino County, California". Baker's meadowfoam preservation sites would be acquired within Little Lake Valley. Additionally, funds would be necessary in order to set up a long-term management and maintenance program. The Baker's meadowfoam preserves would be maintained in perpetuity and their management could be transferred to CDFG or a mitigation bank (refer to FEIS, Appendix L).

- To comply with the provisions of the Migratory Bird Treaty Act, vegetation required for removal will be removed or trimmed during the fall and/or winter months, to the extent possible, to avoid impacts to nesting birds. If vegetation cannot be removed during the non-breeding season, Caltrans will arrange to have a qualified biologist conduct preconstruction surveys of impact areas to check for nesting activity of all bird species. If nesting activity is detected, Caltrans will, if possible, establish a buffer around the nest(s). The buffer width would be determined through consultation with USFWS and CDFG. The buffer will be maintained and construction activities will avoid nest sites until the biologist determines that the young have fledged or nesting activity has ceased.

- Excavation at the designated borrow site at Oil Well Hill could affect a maximum of 40 acres of Northern spotted owl (NSO) foraging and dispersal habitat. Caltrans will conduct additional pre-construction protocol-level surveys to determine the status of NSO in the vicinity of the Oil Well Hill borrow site. If NSO is found nesting within 1.3 miles of the borrow site, Caltrans/FHWA will consult with the USFWS (refer to USFWS Biological Opinion, FEIS, Appendix D). Caltrans/FHWA will document the results of all protocol surveys conducted

for NSOs. Caltrans will implement measures provided in the USFWS BO for NSO, which include: **(1)** All large trees that can reasonably be avoided at Oil Well Hill will be protected; **(2)** Vegetation removal at Oil Well Hill will occur during the non-breeding season (September 15 – February 1), to the extent feasible, to minimize potential impacts to NSOs. Vegetation will be removed incrementally (i.e., only on those portions of the site that are needed for borrow material), rather than removing all vegetation on the approximately 16 ha (40 ac) site prior to excavation; **(3)** Planting the same tree species that occurred at the borrow site following excavation, if feasible, could restore vegetation at Oil Well Hill; **(4)** If an active NSO nest is found within 0.8 km (0.5 mi) of any proposed construction activity, USFWS may require that Caltrans establish a 0.8 km (0.5 mi) diameter buffer around the activity center during the breeding season (February 15 to August 31).

- If non-listed special-status wildlife species are found nesting on or near the project site, including California yellow warbler, yellow-breasted chat, and raptors, Caltrans will establish buffers around each nest. The buffer width will be determined through consultation with CDFG. The buffer shall be maintained and construction activities shall avoid nest sites until the Caltrans biologist determines that the young have fledged or nesting activity has ceased. For white-tailed kites and other raptors, Caltrans shall conduct a pre-construction survey during the spring or early summer (April-early July) to determine whether nesting raptors (e.g., white-tailed kites, Cooper's hawks, red-tailed hawks, red-shouldered hawks) are present on or within 0.40 km (0.25 mi) of the selected alternative. If the survey detects nesting raptors on or within 0.40 km (0.25 mi) of the selected alternative, Caltrans will maintain buffer areas and seasonal construction constraints (e.g., no work during active nesting periods) in coordination with USFWS and CDFG.

- The proposed viaduct and bridge crossings would provide access for wildlife to cross under the proposed alignment. Caltrans may construct additional wildlife under-crossings, if feasible, that would be suitable for use by deer and other wildlife species. If the construction of other wildlife crossings were feasible, the location, number and design of the under-crossings would be determined through consultation with CDFG.

- In addition to requiring the contractor to prepare a Storm Water Pollution Prevention Plan (SWPPP), Caltrans will implement the following measures to minimize disturbances to aquatic resources: **(1)** All construction-related materials shall be stored in designated staging areas at least 100 feet from perennial waterways and drainages; **(2)** Refueling and vehicle maintenance shall be performed at least 100 feet from creeks and other water bodies; **(3)** Operation of heavy equipment shall be minimized in perennial creeks (to the greatest extent possible). If equipment must access perennial creeks, this will occur during the late summer months when the stream flows are low, or when no water is in the channels. If water is flowing, the channels will be dewatered; **(4)** Temporary sedimentation barriers, such as sandbags or siltation fencing, shall be installed to

minimize the amount of silt entering the creeks and any ephemeral drainages with water present in the channel. The location of these barriers shall be determined by the resident engineer and environmental monitor, and shall be clearly marked in the field before construction activities begin; **(5)** Additional Best Management Practices (BMPs) shall be implemented to prevent runoff from adjacent lands from flowing across construction areas, slow down the runoff traveling across construction sites, remove sediment from onsite runoff before it leaves the site, and provide soil stabilization.

- To reduce the spread of invasive non-native plant species and minimize the potential for disturbance activities to decrease palatable vegetation for wildlife species, Caltrans will implement the following protection measures to comply with Executive Order (EO) 13112: **(1)** Prior to construction, Caltrans will conduct surveys in the construction corridor of the NEPA/404 preferred alternative for populations of plants listed on the California Department of Food and Agriculture (CDFA) noxious weed list. Populations of noxious weeds will be mapped. This will establish a baseline from which to evaluate the possible impacts of this construction on the spread of these invasive exotic plants or the establishment of other invasive exotic plants; **(2)** Caltrans will not allow disposal of soil and plant materials from any areas that supports invasive species in areas that support stands dominated by native vegetation; **(3)** Plant species used for erosion control will consist of native, non-invasive species or non-persistent hybrids that will serve to stabilize site conditions and prevent invasive species from colonizing; **(4)** All off highway equipment used on the project shall be free of mineral soil and vegetation. Evidence of high pressure washing or steam cleaning, prior to initial entry to the project limits, will be required to minimize the potential for the spread of invasive weeds from outside the Little Lake Valley area. Contract language will inform Contractors and Caltrans inspection staff of the methods to be used to control and prevent the spread of identified invasive non-native species. Gravel and/or fill material from borrow areas and commercial sources will come from weed free sources. Certified weed-free, landscape and erosion control materials will be used; **(5)** Following construction, Caltrans will conduct a three-year program of invasive exotic weed monitoring, which will consist of conducting surveys every six months during the spring and late summer. The percent cover of invasive exotic plant species occurring within the construction corridor must not exceed the cover of invasive exotic plant species found outside the construction corridor, or the cover found in the construction corridor prior to construction. Monitoring potential invasive species will occur only where ground was disturbed within the construction corridor; **(6)** If, during the three-year monitoring program, invasive weeds show evidence of spreading, Caltrans will develop an Invasive Weed Eradication Plan, targeting identified invasive species on the CDFA list. Herbicides would not be used since Caltrans does not use herbicides in Mendocino County.

- During pile driving activities below the top-of-bank and within 15 m (50 feet) of salmonid bearing streams, Caltrans will dewater the stream (including relocating fish), and a qualified fisheries biologist will monitor underwater noise levels both

upstream and downstream of the dewatered area. If noise levels exceed 187 dB_{SEL} or 208 dB peak, Caltrans will cease pile driving at this location and immediately contact NMFS to discuss further reasonable and prudent measures to minimize potential impacts to fish, which could include additional fish relocation and dewatering. Dewatering could be required for six weeks or more at some stream crossings. See also NMFS Biological Opinion (FEIS, Appendix D).

Business and Residential Relocation

Modified Alternative J1T would require the relocation of 10 residences. The Final Relocation Impact Statement (FRIS) prepared for this alternative concludes that replacement housing would be available for all impacted households in the replacement area and would not dramatically alter the local housing market. Modified Alternative J1T would also impact six industrial businesses and one non-profit organization. Adequate relocation facilities exist in Willits and the surrounding valley for these business uses. The following measures will reduce impacts related to residential and/or business relocations.

- Caltrans will provide relocation assistance payments and counseling to persons and businesses in accordance with the Federal Uniform Relocation Assistance and Real Properties Acquisition Policies Act, as Amended, to ensure adequate relocation and a decent, safe, and sanitary home for displaced residents (see Volume 3, DEIS/EIR, Appendix J for a detailed discussion). All eligible displacees will be entitled to moving expenses. All benefits and services will be provided equitably to all residential and business relocatees without regard to race, color, religion, age, national origins and disability as specified under Title VI of the Civil Rights Act of 1964.

- Caltrans will arrange for Last Resort Housing payments to displaced residents unable to utilize standard relocation benefits to locate existing housing within the project area.

- Caltrans will work with potentially displaced residents and local agencies to develop a comprehensive Relocation Plan to provide displaced residents with the greatest possible use of relocation benefits and Last Resort Housing payments.

Farmland

The Modified Alternative J1T does not exceed the 160-point impact threshold in its conversion of Prime and Unique farmland to other uses; however, this alternative would have several irreversible impacts on agriculture in this area. It would convert over 100 acres of Prime and Unique farmland to non-farm uses, relocate one ranch, and affect over 50 acres of land held in Williamson Act contracts. The following mitigation measures are proposed to offset these impacts.

- The Purchase of Agricultural Conservation Easements (PACE) program enables the landowners to separate and sell their right to develop land from their other property rights. After selling easements, the landowner retains all other rights of

ownership, including the right to farm the land, prevent trespass, and sell the land. Caltrans may purchase an agricultural conservation easement in or near the project area, consisting predominantly of Prime Farmland, which will ensure preservation of the land for farming uses in perpetuity. This mitigation may be combined with mitigation for lost wetlands, assuming that wetlands are suitable for grazing purposes. Easement titles could be deeded to non-profit environmental organizations or to organizations such as the American Farmland Trust.

- Caltrans will stockpile as much topsoil as is feasible for local and re-vegetation use to conserve valuable Prime Farmland (soils). The use of topsoil facilitates the reestablishment of plant communities on disturbed soils and reintroduces this important resource back into the local ecosystem. The topsoil will be stored at an environmentally approved site. Possible applications for the topsoil include: mitigation sites; landscaping the Willits bypass project corridor; and use by the City of Willits, Mendocino County, and local/county residents/businesses/ farming operations.

- Caltrans may contribute to the Department of Conservation's Farmland Conservancy Fund, in an amount to be determined in coordination between Caltrans and the Department of Conservation. The fund provides grants for projects that use and support agricultural conservancy easements for protection of agricultural lands. Caltrans can buy "credits" per Public Resources Code 10231.5, which states "the Department may accept donations of funds if the department is the designated beneficiary of the donation and agrees to use the funds for the purposes of the program in a county specified by the donor." The Department of Conservation, which oversees the Farmland Conservancy Fund can accept funds and apply them within a designated area (Little Lake Valley or near the Willits Bypass Project).

Floodplain

The construction of Modified Alternative J1T within the floodplain would have minimal impact related to additional impervious surface area or to beneficial floodplain values. The following measures will minimize potential floodplain impacts.

- According to FEMA, the floodway is "the area of the floodplain that should be reserved (kept free of obstructions) to allow floodwaters to move downstream." For each valley alternative, the Floodway Viaduct (bridge) spans the floodway. The only encroachments in the floodway are the columns supporting the structure. In addition, the structure designs have relatively long spans, in the range of 30 m (100 ft). These structure design features limit the impacts on the floodplain by minimizing the actual footprint of the impacts and obstructions to flow.

- The valley alternatives include equalizing culverts at periodic points along the embankments, which should minimize the redirection of flows, maintaining the existing flood patterns. The culverts will not, however, be included if detailed

hydraulic studies indicate the culverts would cause other problems with flood patterns.

- The cross sectional design of the facility, the side slopes, median, pavement widths, and so forth, has been established to limit impacts to floodplains as well as other resources. The median width, at 13.8 m (45 ft), is 4.8 m (16 ft) less than Caltrans' current design standard. This median width reduces the footprint of impact along the entire alignment, including the floodplain. Sideslopes are the slopes connecting the roadbed with the existing ground. When the embankment is low, the sideslopes can be constructed at relatively low angles without extending an unreasonable distance from the roadbed. But as embankments increase in height, sideslopes constructed at the same angles would cover much wider areas and add to the volume of earth to be placed. To reduce the earthwork and footprint of higher embankments, sideslopes are constructed at steeper angles. In the floodplain, the higher embankments occur at bridge approaches, and the steeper sideslopes constructed in connection with these higher embankments limit the impacted areas.

- The use of tight diamond interchanges rather than spread diamonds reduces the footprint of impacts on the floodplain.

Geology and Soils

Geologic conditions in the project area consist of active faults, shallow groundwater, and soil deposits that could be subject to liquefaction, shear failures, and settlement. Based on sampling and data analyses, the primary geotechnical considerations for the Modified Alternative J1T is the potential for differential settlement. The following measures will reduce potential impacts related to these geologic conditions:

- If necessary, Caltrans will incorporate special design considerations into the project, such as specialized foundation treatments, specialized cut slope and fill slope design, mechanically reinforced embankments, stabilization trenches, catchment areas, and specialized subsurface drainage techniques.

- Where deposits are highly erodible and prone to landsliding, Caltrans will design the project to include specific slope ratios, special foundation treatments, and other engineering solutions.

- To minimize or prevent settlement, Caltrans will incorporate foundation treatments or long-term settlement periods into the design and construction of the project.

- For any structures overlying potentially liquefiable deposits, Caltrans will design the project to be constructed on foundation piles that could be extended through the susceptible zones into structurally competent materials.

Hazardous Materials

No hazardous waste issues have been identified within the Modified Alternative J1T alignment, and no hazardous waste/materials issues have been identified at the Oil Well Hill borrow site area. On a short-term basis, during construction/demolition activities, the Modified Alternative J1T has potential for the presence of asbestos-containing building materials (ACBM) and lead-based paint in the buildings within the project boundaries. The following measures will avoid or minimize hazardous waste impacts:

- Caltrans will complete an asbestos and lead-based paint survey prior to demolition activities. Caltrans will obtain a Mendocino County Air Quality Management District permit (i.e., NESHAP permit – National Emission Standards for Hazardous Air Pollutants), which is required for demolition.

- Inspections for a NESHAP permit are done by Cal/OSHA certified inspectors. Regulated Asbestos Containing Materials (RACMs), Category I and II materials, are identified during the survey and are noted on NESHAP permit**.** Caltrans will have all Regulated Asbestos Containing Materials (RACM) and lead-based paint abated by a licensed asbestos and lead-based paint contractor.

Noise

Projected noise levels for the Modified Alternative J1T are below the Noise Abatement Criteria; therefore no abatement is to be undertaken under Title 23, Part 772, Code of Federal Regulations, "Procedures for Abatement of Highway Traffic Noise". During the construction phase of the project, noise from construction activities would dominate the noise environment in the immediate area. Activities involved in construction would generate noise levels ranging from 70 to 90 dB at a distance of 15 m (50 ft). Construction activities would be temporary in nature, typically occurring during normal working hours. Noise levels related to pile driving activities would exceed this range, but would vary depending upon the type of equipment, the size/type of piles, and the soil conditions where the work is occurring. The following mitigation measures are proposed to address noise impacts during construction.

- The contractor shall comply with all local sound control and noise level rules, regulations and ordinances, which apply to any work performed pursuant to the contract (Caltrans Standard Specifications Section 7-1.01(I) "Sound control requirements").

- Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without the muffler (Caltrans Standard Specifications Section 7-1.01(I) "Sound control requirements".

- Although standard practice requires that construction be restricted to between the hours of 7:00 am and 7:00 pm (8:00 am and 7:00 pm on Saturdays), some

nighttime work may be needed. Standard practice precludes construction work on Sundays and federal holidays.

- Stationary construction equipment, such as compressors and generators, will be shielded and located as far away as feasible from receptor locations.

- Place any maintenance yard, batch plant, haul roads, and other construction operations as far as possible from sensitive receptor locations.

- Caltrans will keep area residents informed regarding construction work, the time involved, and control measures that will be used to reduce construction-related impacts.

- A Traffic Management Plan will provide methods and restrictions to minimize construction traffic impacts to residents.

Public Services

During construction of the project, traffic delays would not be anticipated since most of the project would be constructed on new alignment, and therefore, would have minimal impact on local roadways. However, to reduce conflicts with emergency services providers and other public services, and local traffic, the following measures are proposed:

- Caltrans will make preconstruction contacts with the fire department, law enforcement, and ambulance services.

- Caltrans will notify concerned agencies of the construction schedule.

- Caltrans will implement a traffic management plan to minimize impacts to roadway users during construction of the project.

SMARA/Grading Permit (Disposal, Borrow, Staging)

Removal of embankment material from the designated borrow site would result in impacts to some biological resources. The biological measures described above will avoid or minimize impacts, as will the following:

- Caltrans/FHWA will obtain a permit pursuant to the State Mining and Reclamation Act (SMARA), if required, before construction activities begin. Caltrans will submit a permit application, a Mendocino County-approved Reclamation Plan, and financial assurance to the Department of Conservation, Office of Mine Reclamation. Caltrans will implement the reclamation plan, which will include steps for maintaining water and air quality, minimizing flooding, erosion and damage to wildlife and aquatic habitats caused by the surface mining. The reclamation process will include topsoil replacement and revegetation with suitable plant species. The reclamation plan also will contain measures to mitigate visual impacts.

Visual Resources

The Modified Alternative J1T would have a less than adverse visual impact to the South Valley, Little Lake Valley, Miracle Mile, and Historic District Landscape Assessment Units (LAUs), and no visual impact to the Brooktrails LAU. At the designated borrow site, one home near the excavation on the east side of the highway and higher on the hill could be impacted visually. The following measures are proposed to minimize visual impacts:

- Caltrans will have the contractor avoid and preserve trees and vegetation where feasible. Native vegetation that is removed for construction of the project will be replaced with like varieties to blend the freeway into the landscape. Tree mitigation is discussed under Biological Resources.

- Caltrans will use stockpiled topsoil in revegetation efforts.

- Slope protection will blend with existing features, simulating natural forms (i.e., rounding tops and bottoms of cut and fill slopes).

- The contractor will avoid/preserve large rock formations that do not interfere with construction of the project.

- Caltrans will provide plantings in appropriate locations, including adjoining highway slopes, to reduce visual impacts. Plant materials will include a combination of native oaks, pines, and/or redwood trees, as well as native shrubs and ground covers, where appropriate.

- For Oil Well Hill only: Caltrans will incorporate into the project design slope rounding, contour grading, and to the extent feasible, leaving a vegetative buffer between the highway and cut slope. At the time of final design, the Caltrans Office of Landscape Architecture will provide specific design solutions for slope treatment.

- For Oil Well Hill only: Caltrans will provide screen planting for the home closest to excavation at the designated borrow site.

- Caltrans Structures and Aesthetics Division, in cooperation with the Office of Landscape Architecture, will provide design treatments for project structures, such as bridges and viaduct, and to highway appurtenances.

- Landscape Plantings for the South Valley Landscape Assessment Unit: After the initial erosion control seeding, Caltrans may provide permanent landscape plantings for this area. Plant material selection is to include native species. Plantings must be concentrated at areas where existing groves of trees occur and leaving open areas unplanted. This method will preserve the existing grassland and horizontal views, which are unique to this landscape unit.

Water Quality

Construction of the bypass would increase the overall impervious surface within Little Lake Valley, which could result in a higher volume of storm water runoff. This will, to some degree, modify the drainage patter near the proposed alignment, which can increase the potential for erosion. Generally, the increase in storm water runoff can increase the potential for erosion due to point discharges, overland flow, and stream bank erosion. Storm water runoff, both during and after construction, and other long-term maintenance activities could potentially introduce chemicals, oil, and grease to surface waters. Construction activities, including the removal of embankment material at Oil Well Hill, would result in soil and ground disturbances, creating loose or unprotected soil that could be transported by storm water runoff or wind to nearby watercourses. Such increases in sediment and turbidity could impact receiving water quality. Modified Alternative J1T does not propose stream channel realignments for any salmonid bearing streams therefore, impacts due to loss of canopy cover and elevated stream temperatures are significantly reduced, compared to the other build alternatives.

- To address potential water quality impacts during construction, Caltrans will require the contractor to use a combination of Best Management Practices (BMPs) to control potential erosion and sedimentation from the project site. Caltrans has developed a suite of construction site BMPs that will be implemented on the proposed project. The Plans, Specifications and Estimates (PS&E) developed for the project will require the contractor to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), and other project specific construction BMPs, which will effectively reduce potential pollutants of concern in storm water discharges. The SWPPP will be reviewed and approved by the Caltrans Resident Engineer to ensure all the necessary BMPs are incorporated. The SWPPP will also include a final Revegetation Plan to be implemented at the end of construction activities.

- Caltrans' Standard Special Provisions (SSPs) will prohibit the contractor from discharging oils, greases, chemicals, or spillage of concrete and grout into receiving waters. For example, on this project, equipment operating in water bodies will be required to be steam cleaned prior to arrival on site, and be maintained in a clean condition during the length of activities.

- Where vegetation along streams is removed or severely trimmed back, Caltrans will plant replacement vegetation using native species for shading of creeks to reduce temperature related impacts to water quality.

- Following the construction process, the contractor will stabilize disturbed soil areas through permanent re-vegetation or other means. The Storm Water Quality Handbook, Project Planning and Design Guide (revised July 2005), provides detailed procedures for design of permanent slope stabilization controls, design pollution prevention, and permanent treatment BMPs. The procedures are intended to ensure that an appropriate design is developed that will allow all finished slopes to achieve stabilization, even under severe conditions, and also

provide erosion control BMPs at all point source discharges of storm water runoff. Treatment BMPs, such as biofiltration, will be incorporated where feasible.

- The placement of sand on roads in the Willits area occurs relatively infrequently. When applied, Caltrans uses clean sand and follows the practices and procedures in Maintenance BMP (R1) Snow and Ice Control.

- As part of standard operation and maintenance procedures, Caltrans has developed a standard Hazardous Waste and Spill Response Plan (HW&SRP), which Caltrans will ensure is implemented during the project. These BMPs address water quality issues associated with accidental spills.

Wetlands Only Practicable Alternative Finding

Pursuant to Executive Order 11990 [23 CFR 771.125(a)(1)], Caltrans/FHWA has determined that there is no practicable alternative to constructing the project in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands, which may result from such use. The analysis for this Wetlands Only Practicable Alternative Finding is located in Appendix J of the FEIS.

E. Monitoring or Enforcement Program

In cooperation with the NEPA/404 resource agencies, Caltrans has prepared a Conceptual Mitigation Plan (CMP; see FEIS, Appendix L), which contains detailed information about: the biological resources identified within the project area; how these resources would be impacted by the proposed project; the avoidance and minimization measures to be implemented; and a conceptual plan for the compensatory mitigation of project-related impacts. The USACE, USEPA, USFWS, and NMFS have issued letters of concurrence that the CMP, which will serve as the basis for the Final Mitigation Plan, is adequate (see FEIS, Appendix C). Caltrans will continue to work with the resource agencies to develop the Final Mitigation and Monitoring Plan, which will detail the location and extent of all biological mitigation requirements to be implemented for the project.

The USFWS and NMFS have each issued the BO, which states that the proposed project is not likely to jeopardize the continued existence of Northern spotted owl, Pacific fisher, and three listed salmonid species, after implementation of mitigation measures. The BOs issued by the USFWS (March 2006) and NMFS (September 2006) can be found in Appendix D. The project shall comply with the terms and conditions of the USFWS and NMFS BOs to further minimize impacts to these resources.

F. Comments on Final EIS

This portion of the ROD includes comments received by Caltrans on the Final EIS for the Willits Bypass. The Final EIS was approved by FHWA on October 25, 2006. A Notice

of Availability of the FEIS was published in the Federal Register on November 9, 2006, with the wait period ending December 11, 2006.

Four letters were received in response to the notice in the Federal Register.

Letter Number	Letter From	Date Sent
1	Federal Emergency Management Agency (FEMA)	11/21/06
2	Individual Citizen (Mr. Freddie Long)	11/28/06
3	Willits Environmental Center	12/8/06
4	United States Environmental Protection Agency	12/11/06

Caltrans and FHWA have reviewed the comment letters and have concluded that all substantive comments in the letter have been addressed and FHWA has considered all Final EIS comments before reaching the decisions documented in this ROD.

Letter 1

The FEMA letter contained four recommendations (bold). The following are the recommendations and Caltrans and FHWA's response:

1. **All buildings constructed within a riverine floodplain must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map (FIRM).**

   As stated in Section 2.3 of the FEIS, the highway will be built on elevated structures above the 100-year floodwater surface level.

2. **If the area of construction is located within a Regulatory Floodway as delineated on the Flood Insurance Rate Map, any development must not increase base flood elevations.**

   A detailed hydraulics study has been conducted. Results of the study were included in Section 3.6 of the FEIS. Construction of the floodway viaduct will avoid any increase in the floodway water surface elevation.

3. **Areas within a coastal high hazard area must be elevated on pilings and columns, so that the lowest horizontal structural member is elevated to or above the base flood elevation level.**

   The project is not within a coastal area.

4. **Upon completion of any development that changes existing Special Flood Hazard Areas, the National Flood Insurance Program directs all**

participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision.

Caltrans will complete and submit necessary hydrologic and hydraulic data as appropriate upon completion of the project.

Letter 2

Mr. Long's letter contained the following comments (bold) with Caltrans and FHWA's response below them.

The demand for oil is outstripping the supply resulting in higher fuel prices. As a result traffic levels on 101 will be lower rather than higher in the future. The funds for the project should be spent on pedestrian and bicycle improvements, thereby saving money and impacts to the environment.

There is no data available that shows a substantial change in the mode of transportation in the Willits area in the foreseeable future. A discussion on the appropriateness of a 4-lane bypass has been addressed in General Response 1.10 Two-Lane Bypass in Volume 2 of the FEIS.

Letter 3

The Willits Environmental Center letter contained three comments. The following are the comments and Caltrans and FHWA's response:

1. **The 2-lane Alternative has inappropriately been dismissed as a practical alternative.**
   General Response 1.10 in Volume 2 of the FEIS addresses the suggestion of a 2-lane bypass.

2. **Cost estimates fall short of true costs of the project.**
   Project costs have been continually updated using the best available information to Caltrans staff. Estimates do include funding set aside for mitigation. As stated in Section 1.2 of the FEIS, a combination of funding strategies will be utilized to bridge the gap between construction estimates and programmed amounts. The project may be constructed in full or in part depending on funding availability.

3. **The final mitigation plan does not disclose specific proposed methods for mitigating environmental impacts.**
   The comment that mitigation measures proposed by the project are too conceptual in nature was presented as a comment to the DEIS. General Response 1.14 in Volume 2 of the FEIS addresses this comment.

4. **The project does not address the issue of global warming and rising oil prices. The Environmental documents do not address the community**

responses to these issues, which include increased public transit, reducing vehicle use and greenhouse gases.
Please see the response to letter 2 for the issue on rising oil prices and anticipated public reaction. As for global warming and greenhouse gases, the project has been reviewed pursuant to all applicable air quality regulations. The results of these studies are included in Section 3.12 of the FEIS.

Letter 4

The Environmental Protection Agency letter contained one recommendation. The following are the recommendations and Caltrans and FHWA's response.

The EPA recommends Caltrans to continue to work collaboratively with the City of Willits and resource and regulatory agencies on this project on the development of a final detailed mitigation plan. Caltrans is also encouraged to work jointly with the City and EPA on exploring mitigation opportunities for the bypass and wastewater treatment facility.

Caltrans intends to continue its collaboration with the City and resource and regulatory agencies during the development of the final mitigation plan and with respect to the wastewater treatment plant.

G. Record of Decision Approval

Based on the analysis and evaluation contained in the proposed project's FEIS and after careful consideration of all the identified social, economic, and environmental factors and project commitments outlined in this ROD, it is the decision of FHWA to approve the Modified Alternative J1T as the Selected Alternative for the Willits Bypass Project.

12/18/06
Date of Approval

Gene K. Fong
GENE K. FONG
Division Administrator
Federal Highway Administration